

MSD RESOLUTION

AMENDING THE RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE,
OPERATION AND USE OF SANITARY AND COMBINED SEWERS
OF THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

ARTICLE XII, BUILDING SEWERS: CONNECTIONS AND PERMITS;
SECTIONS 1215 and 1216,
"Tap-in-Fee" and "Policy for Levying Sewer Assessments for Local Public Sewer Assessment Project -
Assessment Credit";

ARTICLE XVIII, MISCELLANEOUS, SECTION 1805,
"Policy on Management of Requests for Local Sewer Assessment Projects";

ARTICLE XXV, FEES, CHARGES, PENALTIES, CREDITS, SECTION 2502,
"Annual adjustment of assessment credit"

WHEREAS, Section 6117.01 of the Revised Code of Ohio and Section IV of the 1968 Management Agreement between Hamilton County and the City of Cincinnati for the Metropolitan Sewer District ("1968 Agreement") vests the Board of County Commissioners of Hamilton County, Ohio (the "Board"), with the authority to adopt rules and regulations for the Metropolitan Sewer District of Greater Cincinnati ("MSD"); and

WHEREAS the Board did, pursuant to and consistent with Article V, Paragraph 2(b) of the 1968 Agreement, after public hearing, adopt RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE, OPERATION AND USE OF SANITARY AND COMBINED SEWERS ("Rules and Regulations") for MSD on January 24, 2001, and as subsequently amended; and

WHEREAS, the City of Cincinnati, through its Department of Sewers (the "City") as the sole management agency for the operation and maintenance of the sewer system on behalf of the MSD and the Executive Director of MSD recommends to this Board that Article XII of the Rules and Regulations for MSD should be amended as attached hereto and by this reference made a part hereof as Exhibit A; and

WHEREAS, the City and the Executive Director of MSD recommends to this Board that Article XVIII of the Rules and Regulations for MSD should be amended as attached hereto and by this reference made a part hereof as Exhibit A; and

WHEREAS, the City and Executive Director of MSD recommends to this Board that Article XXV of the Rules and Regulations for MSD should be amended as attached hereto and by this reference made a part hereof as Exhibit A; and

WHEREAS, the Board did, pursuant to and consistent with Article V, Paragraph 2(b) of the 1968 Agreement, hold and conclude a public hearing on amendment to Articles XII, XVIII, and XXV of the Rules and Regulations for MSD, affording public comment on the same; and

WHEREAS, legal counsel has reviewed said amendments of the Rules and Regulations for MSD.

NOW, THEREFORE, BE IT RESOLVED, by this Board of County Commissioners of Hamilton County, Ohio that Articles XII, XVIII, and XXV of the Rules and Regulations for MSD is hereby amended by the clarifications and modifications as contained in Exhibit A.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this 2nd day of April, 2014.

Mr. Hartmann YES

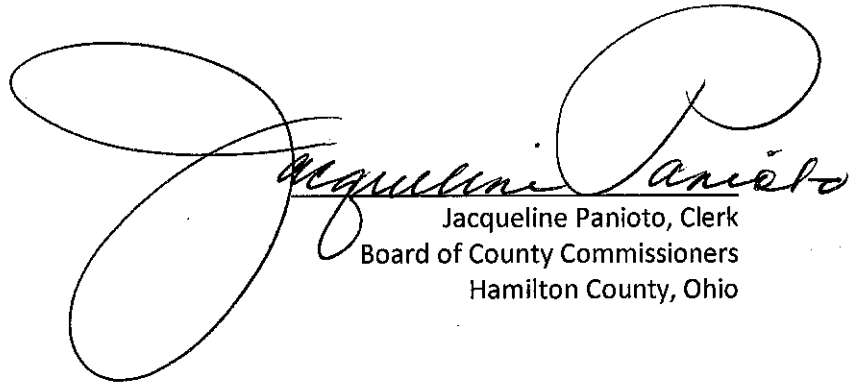
Mr. Monzel YES

Mr. Portune YES

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session this 2nd day of April 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Board of County Commissioners of Hamilton County, Ohio this 2nd day of April 2014.



Jacqueline Panioto
Jacqueline Panioto, Clerk
Board of County Commissioners
Hamilton County, Ohio

ARTICLE XII

BUILDING SEWERS: CONNECTIONS AND PERMITS

Section 1215 Tap-in-Fee

The tap-in-fee shall apply to all new direct or indirect connections to both public or private sanitary and combined sewer systems under the jurisdiction of the District.

- A. Every person (meaning natural persons, firms, associations, corporations and public bodies) whose premises will be served by a direct or indirect connection to a sanitary or combined sewer of the Metropolitan Sewer District of Greater Cincinnati shall be charged a Tap-in Fee in accordance with Table 1215-1 and subject to the applicable provisions in Section 1215 B of these Rules and Regulations. The Tap-in Fee is due and payable when a sewer tap permit is issued by the Metropolitan Sewer District or its designee. It will be the responsibility of the applicant to supply to MSD a record of the relevant water works application of water service in order to verify the size of the water meter at the time the permit application is submitted.

Table 1215-1

Water Meter Size	2014 Tap-in Fee
up to ¾"	\$3,620.00
1"	\$6,560.00
1-½"	\$15,010.00
2"	\$27,020.00
3"	\$61,280.00
4"	\$109,430.00
6"	\$247,530.00
8"	\$440,740.00
10"	\$688,280.00
12"	\$990,130.00

1. The tap-in-fee will be adjusted annually as follows, in accordance with Section 2501:
 - a. Based on the September Engineering News Record Construction Cost Index (ENR CCI) for Cincinnati, Ohio, the fees in Table 1215-1 shall be multiplied by the ratio of the current year September ENR CCI to the ENR CCI for September, 2000 (5907.06), rounded to the nearest \$10.

- b. The Tap-in fees determined in a., above, shall become effective on January 1 of each year.

B. Conditions, exceptions, and additional information:

1. For single-family residences existing as of July 1, 1996, the Tap-in Fee shall be \$480. For purposes of this section, a single-family residence shall be considered to be "existing" if a final plumbing inspection was completed and approval granted by the appropriate local authority on or before July 1, 1996. It shall be the responsibility of the applicant to furnish a record of the final plumbing inspection in order to verify the date of final plumbing approval.
2. For single-family residences constructed after July 1, 1996 that are converting from private to publicly-owned, operated, and maintained sanitary sewers, the Tap-in Fee for up to ¾" water meter branch size shall be \$480, in accordance with Table 1215-3
3. For residential condominium properties, in accordance with Chapter 5311 of the Ohio Revised Code, the Tap-in Fee shall be calculated based upon number of units, and the Tap-in Fee shall be \$480 per unit.
4. In areas where a connection charge or local benefit charge greater than the applicable Tap-in Fee set forth in Table 1215-1 was established by a prior resolution of this Board or by another political subdivision which has since joined the Metropolitan Sewer District, only the applicable Tap-in Fee set forth in the prior resolution shall be collected.
5. In areas where a connection charge or local benefit charge less than the applicable Tap-in Fee set forth in Table 1215-1 was established by a prior resolution of this Board or by another political subdivision which has since joined the Metropolitan Sewer District, only the applicable Tap-in Fee set forth in Table 1215-1 shall be collected.
6. Properties located outside of Hamilton County and served by the sewer facilities of the Metropolitan Sewer District are subject to the Tap-in Fees in this Section. The agency issuing that tap permit shall collect the appropriate Fee and shall forward this Fee to the Metropolitan Sewer District.
7. When a premises is supplied either in whole or in part with water from wells or any other source other than a public water supply, MSD will contact the local water district to determine the comparable water meter size which would be needed to serve the premises. In the event there is no local water district, the Director of the Metropolitan Sewer District will determine comparable water meter size.
8. Where a combination service line and water meter for both domestic and fire service is provided MSD will contact the local water district to determine the domestic water demand and appropriate water meter size for that demand in

order to determine the Tap-in Fee. The Director of the Metropolitan Sewer District shall have the authority to determine the proper Tap-in Fee.

9. When a person can show to the satisfaction of the Director of the Metropolitan Sewer District that a portion of the water used on the premises will not enter the sewer system, The Director of the Metropolitan Sewer District shall have the authority to reduce the Tap-in Fee.
10. An owner of a single family residence with a water meter larger than 3/4-inch may pay a Tap-in Fee equal to the rate set for buildings with up to a 3/4" water meter, provided the owner furnishes an affidavit stating the reason for the increased size of the water meter and a statement confirming that no non-residential activities will occur at the premises which will allow additional water to enter the sewer system.
11. Applicants for sewer tap permits under the following circumstances will be charged Tap-in Fees as follows:
 - a. No additional tap-in fee will be charged for an existing building with a permitted sewer tap which is demolished or destroyed, is replaced with a new building on the same site, and for which the water meter size for the replacement building is the same as the water meter size for the demolished or destroyed building. Where records do not exist on water meter size, the minimum water meter size, as indicated in Table 1215-2, will be assumed.
 - b. For an existing building with a permitted sewer tap which is demolished or destroyed, is replaced with a new building on the same site, and for which the water meter size for the replacement building is increased from the water meter size for the demolished or destroyed building, or in the case where water meter size records do not exist and the minimum size meter is assumed, the Tap-in Fee will be calculated based on the current rates for Tap-in Fees, less the Tap-in Fee previously paid. If no record of prior Tap-in fee payment exists, the Tap-in Fee amount previously paid will be assumed to be in accordance with Table 1215 -2, below, as applicable. Plumbers who fail to pay this fee are subject to being removed from the MSD approved sewer tapper list and have their sewer tapper license revoked.
 - c. For an existing building with a permitted sewer tap for which the water meter is replaced with a new, larger water meter, the Tap-in Fee will be calculated based on the current rates for Tap-in Fees, less the Tap-in fee previously paid. If no record of prior Tap-in fee payment exists, the Tap-in Fee amount previously paid will be assumed to be in accordance with Table 1215 -2, below, as applicable. Plumbers who fail to pay this fee are subject to being removed from the MSD approved sewer tapper list and have their sewer tapper license revoked.

Table 1215-2. For single-family residences:

Water Meter Size	Tap-in Fee
up to ¾"	\$480.00
1"	\$870.00
1-½"	\$1,990.00
2"	\$3,580.00
3"	\$8,120.00
4"	\$14,500.00
6"	\$32,800.00
8"	\$58,400.00

Table 1215-3. For buildings constructed on or after July 2, 1996:
(eff. 1/1/2014)

Water Meter Size	Tap-in Fee
up to ¾"	\$480 for properties in accordance with Section 1215(B)(2)
	\$3,620.00 for properties in accordance with Section 1215(A)
1"	\$6,560.00
1-½"	\$15,010.00
2"	\$27,020.00
3"	\$61,280.00
4"	\$109,430.00
6"	\$247,530.00
8"	\$440,740.00
10"	\$688,280.00
12"	\$990,130.00

12. Policy Concerning Tap-in-Fees associated with Residential and Non-Residential Redevelopment.

It is the policy of the Board of County Commissioners to encourage redevelopment throughout Hamilton County. Redevelopment is defined as the removal of one or more buildings of any type from one or more parcels of any zoning, and the replacement of that structure or structures with any number of new structures.

MSD will calculate the tap-in-fees for the new structure(s) within residential or

non-residential redevelopments based on the current rates for tap-in-fees (Table 1215-1 et. seq.), less the tap-in-fee amount for the old structure. The tap-in-fee equivalent for the redevelopment will be the sum of the various size meters times the rate for that meter minus the sum of the pre-redevelopment meter sizes times the present rate for that size meter.

Rates to be used are the rates in effect at the time the development plans are approved for construction.

The redevelopment tap-in-fees balance shall be collected based on building meter size prior to the credit balance being issued. In the event the predevelopment amount is greater than the redevelopment amount, there will be no refund of the difference.

Only those taps within the specific recorded land parcel limits of the original development, whose bounds have been defined by a development plans that has been reviewed and approved by a County or Municipal Zoning or Planning Board or Commission sanctioned by the Ohio Revised Code and Ohio Administrative Code, are transferable.

Each redevelopment that occurs will be based on the most recent previous development. No credits will be given for past redevelopment activity.

To receive the credit for pre-existing taps, the developer must submit satisfactory proof to establish the number and size of pre-existing water meters available for the new development units during the concept or detail plan review process defined under Section V of the MSD Rules and Regulations. The following shall be used to determine "satisfactory proof":

1. Clear written description describing the source of the pre-existing information.
2. A plan clearly showing the location of the pre-existing buildings and water meters in relation to the current parcels lines for which credit is requested.

Approval shall be void if construction has not commenced within twelve (12) months and completed within thirty-six (36) months from the date of the approval of construction letter consistent with Section 510 of these Rules and Regulations. The Director may extend approval for a period not be exceed twelve months.

Credit for pre-existing taps approved during Concept of Detail Plan Review will be granted after Tap Permits have been applied for and granted. No credits for the planned demolition of structure(s) will be granted until the demolition of such structure(s) is complete.

Section 1216 Policy for Levying Sewer Assessments for Local Public Sewer Assessment Project - Assessment Credit

D. Home Septic Treatment System Reimbursement Credit. It shall be a policy of the Board if a benefited single-family property is currently served by a Home Sewage Treatment System (HSTS), it will qualify for an HSTS reimbursement credit based upon the conditions stipulated in this rule and regulation. This policy is designed to reimburse property owners who have made purchases of HSTS systems deemed to have the capability of effectively treating household wastewater discharges where those systems have been effectively maintained to ensure proper operation and compliance. Nothing in this policy is meant to imply that HSTS are technically or environmentally equivalent to public sanitary sewer systems as it relates to the treatment of household sewage.

Compliant HSTS systems include:

- 1.) Discharging systems, with NPDES permit(s) in effect at the time the credit is approved, and,
- 2.) On-site absorption systems, whereby wastewater is treated on-site and is not discharged to an adjacent property, waterway, or aquifer. Compliant HSTS systems do not include any on-site absorption system operating over an aquifer (otherwise termed by Hamilton County Public Health as a "dry well").

The HSTS reimbursement credit will apply only to those HSTS systems which:

- 1) As indicated by Hamilton County Public Health, were installed in accordance with the provisions of Hamilton County Public Health regulations enacted on December 10, 2004; and
- 2) As indicated by Hamilton County Public Health, are in compliance with applicable laws and regulations governing the operation of HSTS systems at the time of the order to connect to the sewer system; and
- 3) Possess a discharging system NPDES permit(s) in effect at the time the credit is approved; or
 - a. (Non-NPDES Discharging systems are not eligible for reimbursement under this program.)
- 4) Possess a compliant absorption system.

The County, through MSD, will provide eligible property owners with an HSTS reimbursement credit at the following levels for abandoning their eligible system:

Type of HSTS System	Eligible Reimbursement Amount*
Absorption	\$5,800
Discharge (NPDES Compliant)	\$3,600

*Eligible HSTS reimbursement credit is calculated using the five year annual average cost of local systems as compiled by Hamilton County Public Health, and multiplied by a factor of .20.

Eligible HSTS reimbursement credit amounts, detailed above, will be applied on a parcel-

by-parcel basis to eligible benefited properties required to tap into the public sewer system due to the proximity of a local sewer. The net impact for eligible benefited properties will be to increase the applicable assessment credit by reducing the \$12,000 cost cap, as currently set by Board policy, commensurate with the eligible HSTS reimbursement credit amount.

ARTICLE XVIII

MISCELLANEOUS

Section 1805 Policy on Management of Requests for Local Sewer Assessment Projects

- A. General.** It is the policy of the Board of County Commissioners of Hamilton County, Ohio to encourage public sewers and to finance sewer improvements which provide local sewer service by levying special assessments on the properties receiving benefit from a public sewer improvement, as determined by MSD and as provided in Ohio Revised Code ("ORC") Chapter 6117. Sewer Lateral petitions are included in this policy only if the request for sewer lateral is for a property containing a single-family dwelling and the property utilizes a household sewage treatment system (HSTS) that will be eliminated by construction of the lateral.
- B. Types of Requests.** The Board will categorize requests it receives for local sewer service according to the following classifications:
- 1) **Citizen Petition for Local Sewer.** A petition may be requested by an owner of property within the district if the property has a dwelling or structure that utilizes a household sewage treatment system that would be abandoned as a result of construction of a new local sewer. Requests for petitions shall be in writing.
 - 2) **Petition for Acceptance of Private Sewer.** An owner of a sanitary sewer which is owned, controlled, operated, and/or maintained by a person other than the Board of County Commissioners of Hamilton County (BoCC) through the MSD may petition BoCC to accept dedication of the said sewer for public use, control, operation, and maintenance. See Section 1806 for procedures.
 - 3) **Declaration of Public Health Nuisance.** A Board of Health of a jurisdiction within the MSD may issue a declaration that a public health nuisance exists in a specified location in the sewer district and that the public health nuisance may be remedied by the construction of a sewer improvement.
 - 4) **Order of the Director of the Ohio Environmental Protection Agency (EPA).** Director of the Ohio EPA may issue orders that it is necessary for the public health and welfare that sewer improvements or sewage treatment or disposal works be constructed.
- C. Legislation.**
- 1) For petitions that are supported by property owners representing 100% of the benefited properties, MSD will request property owners to endorse a waiver of process, per Ohio Revised Code, to expedite Board proceedings. Per ORC 6117.28, if the owners of all the lots and lands to be benefited by and to be assessed for a local sewer improvement petition the Board to provide for the construction, maintenance, and operation of any such improvement, consenting that their said lots and lands may be assessed to pay the cost of such improvements, and waive notice and the publication of all resolutions and legal notices, the Board may direct MSD to prepare the necessary plans, specifications, and estimates of cost of construction, and a tentative assessment. When all the owners of all the lots and lands to be benefited by and assessed for the proposed improvements state in writing that they have examined the estimated cost and tentative assessment and that they have no objection thereto, then the Board may proceed to cause such improvements to be constructed and provision to be made for the payment of the cost of construction,

- maintenance, and operation of the local sewer improvement.
- 2) If the Board decides that a local sewer improvement shall be designed, upon completion of the design MSD will certify final plans, specifications, estimate of cost, and tentative assessments to the Board for its consideration per ORC 6117.06(C).
 - 3) After plans, specifications, estimates of costs and tentative assessments have been accepted by the Board, MSD will notify benefited property owners of tentative assessments and the date of the project's public hearing as per ORC 6117.06(D).
 - 4) MSD will assist the Board in conducting a public hearing on the local public sewer improvement project. The public hearing provides benefited property owners the opportunity to endorse or oppose the local public sewer improvement per ORC 6117.06(E).
 - 5) After the adoption of the tentative assessments and the conclusion of the public hearing, project property owners have five days in which to file any objections per ORC 6117.06(E). MSD will present any objections to the Board for their disposal of the same.
 - 6) MSD will prepare a Resolution to Proceed for the Board's consideration. Objectors who filed objections under ORC 6117.06 will be notified as to this legislation's date of proposed adoption pursuant to ORC 6117.07.
 - 7) MSD or the Board may amend the plans, specifications, estimate and tentative assessments. Any amendments must follow the procedures laid out in ORC 6117.07.
 - 8) The Board, pursuant to ORC 6117.07, will decide whether to proceed with construction of the local public sewer improvement. In making its decision, the Board may consider: whether the sewer improvement is necessary for the preservation and promotion of public health and welfare, any notice of unsanitary conditions or public health hazard from a Board of Health, the cost of the improvement, the boundaries of the assessment district, the tentative apportionment of the district, the recommendations of MSD, and concerns of property owners served by the proposed improvement.
 - 9) Property owners have appeal rights as provided in ORC 6117.09. Appeals must be effected within ten days of the passage of the resolution. Appeals are limited to the following three issues by statute:
 - a. The necessity of the improvement, including the question whether the cost of the improvement will exceed the benefits resulting therefrom;
 - b. The boundaries of the assessment district;
 - c. The tentative apportionment of the assessment.
 - 10) After waiting ten days following the adoption of the Resolution to Proceed, MSD will present resolutions to appropriate funds and advertise and bid the local public sewer improvement pursuant to ORC 6117.08.
 - 11) After the acceptance and use of the local public sewer improvement, MSD will present to the Board legislation to confirm the original or revised tentative assessments and benefits.

D. Procedure for Citizen Petitions for Local Sewer

- 1.) Citizen Petition. MSD will mail sewer petitions to those property owners who request a petition for the planning and design of a sewer improvement. Petitions will include the following items as a minimum:
 - i) Description of the assessment area as determined by MSD.
 - ii) Names and addresses of properties to be served by the proposed local sewer.
 - iii) A signature line and "vote" checkboxes for indicating support for or opposition of the sewer project.

- iv) A statement that it is Board policy that the actual cost to the property owner will not exceed \$12,000 for the public improvement.
 - v) A statement that costs associated with "private-side" improvements, i.e., connection to the public sewer and abandonment of the existing household sewage treatment system, are not a part of the local public sewer improvement costs.
 - vi) A statement that it is incumbent upon the petitioner to circulate the petition.
 - vii) A statement describing the purpose and benefit of the proposed public improvement.
- 2.) MSD Polling. When a petitioner submits a petition with absolute majority support for the planning and design of a sewer improvement, MSD will poll all project area property owners inquiring as to their support or opposition. The polling will be distributed by MSD and will inform all property owners of a potential local public sewer improvement and afford comment to all. The polling letter will contain the following statements:
- i. It is Board policy that the actual cost to the property owner will not exceed \$12,000 for the public improvement.
 - ii. Costs associated with "private-side" improvements, i.e., connection to the public sewer and abandonment of the existing household sewage treatment system, are not a part of the local public sewer improvement costs.
- 3.) Submittals to Board.
- i. MSD will present all petition and polling results to the Board for its record.
 - ii. MSD will request project funding based upon the establishment of absolute majority support.
 - iii. Should an outfall sewer not exist, MSD will present options to the Board for provision of trunk sewers.
 - iv. MSD will present declarations of public health nuisance received from a Board of Health within Hamilton County, or Orders received from the Ohio EPA to the County Commissioners for review, along with the data available from the Board of Health and/or the Ohio EPA.
 - v. For projects involving declaration of public health nuisance or Ohio EPA orders, MSD will do the following:
 - (a) request the Board of Health to conduct a public informational meeting concerning the nuisance for the residents of the identified area;
 - (b) forego any petition or polling efforts unless directed otherwise by the Board.
- 4.) Actions by the Board on Citizen Petitions after Submittals.
- i) The Board will enter into its official record all citizen petitions received for a local public sewer improvement. Returned petitions that are not supported by property owners representing an absolute majority of properties are not valid under Board policy.
 - ii) The Board will decide whether a local public sewer improvement shall be designed upon receipt of a written petition, initiated by a citizen or citizens of Hamilton County, to provide local sewer service to property within the MSD service area and jurisdiction. The petition will request the construction, operation and maintenance of a local public sewer improvement. In making its decision, the Board may consider one or more of the following factors as significant:
 - (a) Level of Interest: It is the policy of the Board of County Commissioners that to be considered as valid, a citizen petition for the planning and

design of a sewer improvement shall have affirmative endorsement from property owners representing an absolute majority of the properties that benefit from the local public sewer improvement as determined per Section 1805 (H);

- (b) Whether or not a public sewer outfall presently exists to serve the local public sewer improvement project;
 - (c) The necessity of the improvement, including the question whether the cost of the improvement will exceed the benefits resulting therefrom;
 - (d) The boundaries of the assessment district;
 - (e) The tentative apportionment of the assessment.
- iii) If the Board determines that a sewer improvement shall not be designed, it will direct MSD to dismiss the petition and it will notify the Board of Health of its decision.
 - iv) If the Board decides that a local public sewer improvement shall be designed based upon the level of interest, or if the Board decides a local public sewer improvement is necessary for the preservation and promotion of public health and welfare, or if the Board decides a local public sewer improvement is necessary as a result of a Notice of Public Health Nuisance from a local Board of Health, it will direct MSD to prepare plans, specifications, estimate of cost, and tentative assessments for a local public sewer improvement which serves the properties on the petition or the specified location to remedy the public health nuisance.
 - v) Pursuant to ORC 6117.34, if the Board receives notice from the director of the Ohio EPA that it is necessary for the public health and welfare that sewer improvements or sewage treatment or disposal works be constructed, the Board shall obey such order and proceed to construct such sewers or treatment works, or maintain, repair, or operate the same, as are required by such order and in such manner as is satisfactory to the Director.

E. Notification of Tentative Assessment. MSD will provide to property owners in an assessment district notice of the maximum assessment cost of \$12,000 for a proposed local public sewer improvement. Actual costs and final credit amount are based on construction costs. MSD will provide this information during the following points in the assessment project process:

- 1.) With the petition.
- 2.) With the "polling" of all property owners in a proposed assessment district.
- 3.) With the notice of tentative assessments included in the announcement of the public hearing required by statute.

F. Determination of Benefited Properties. All properties, regardless of type and size, that abut and are specially benefited by the local public sewer improvement, will be allocated one benefit. MSD will assign benefits according to the following criteria:

- 1.) MSD will assess all buildable parcels, regardless of type and size, as 1 benefit per parcel. MSD will apply this policy whether the parcel is a single-family residence, a school, an industrial-use development or undeveloped property.
- 2.) MSD will assess a vacant parcel that is buildable, regardless of type and size, in the local public sewer improvement project area as 1 benefit, except as provided below:
 - i) Vacant parcels that have been placed in a land conservation easement, duly recorded with the Hamilton County Recorder before the date the Board adopts the resolution to proceed for the local public sewer improvement, will receive zero benefit.

- ii) The Board will determine if a vacant parcel **not** placed in a land conservation easement is buildable and to be included in a sewer assessment district.
- 3.) MSD will report to the Board how it has determined and assigned benefits for each local public sewer improvement, subject to the Board's approval.
- 4.) The Board will confirm benefits after a local public sewer improvement is complete and accepted for use.
- 5.) Subject to the provisions of Chapter 6117 ORC, the Board's determination of benefits shall be final.
- 6.) MSD will report benefits determination to the Board at the time of the local public sewer improvement project's public hearing. Benefits so determined are subject to the provisions of §6117.09 ORC regarding objection and legal challenge.
(Properties included in the assessment district as the result of an executed petition, statement and waiver are not subject to provisions of §6117.09 ORC regarding objection and legal challenge.)

G. Financing of Local Public Sewer Improvements. All costs of a local public sewer improvement shall be reported to the Board by MSD. The cost of the aforesaid local public sewer improvement, per Chapter 6117 ORC, shall be paid in part by Special Assessments against the property or properties abutting on and specially benefited by the local public sewer improvement. It is the policy of the Board to structure the financing of local public sewer improvements in the following manner:

- 1.) The total cost of said special assessment shall be the actual cost of the local public sewer improvement.
- 2.) Actual costs are those defined under ORC Chapter 6117, et. seq.
- 3.) Total actual cost shall be divided by the number of benefited properties to determine the per-benefit cost.
- 4.) MSD shall apply all applicable assessment credits, per Section 1216, to the total actual per-benefit cost.
- 5.) Actual costs per benefited property shall apply only to parcels benefited by the local public sewer improvement.
- 6.) Benefited parcels are determined under Section 1805 (H).
- 7.) MSD shall apprise property owners of their ability to apply to the Board for individual Community Block Development Grant (CDBG) funding. MSD shall apprise the political jurisdiction in which the local public sewer improvement is located of their ability to apply to the Hamilton County Department of Community Development for CDBG funding. The use and award of such funding is subject to the rules and regulations associated with it. The Board will endeavor to secure such CDBG funding where available and applicable.

H. Deferred Assessments. Under ORC 6117.061, the Board of County Commissioners may defer collection of up to 75% of the principal amount of a local public sewer improvement assessment for up to 20 years.

- 1.) It is the policy of the Board that the ability of a property owner to place the assessed cost of the local public sewer improvement on the property tax duplicate, over 20 years, constitutes, *de-facto*, a deferment under this chapter of the Revised Code.
- 2.) Per ORC 6117.061, the decision of the Board in this matter is final and no appeal thereof may be taken.
- 3.) MSD will report to the Board on all deferment requests received and request the Board to dispose of the same as a part of the project legislation. Decisions of the Board are final, with no avenue of judicial appeal.

I. **Pump Station Capacity.** It is the policy of the Board of County Commissioners of Hamilton County, Ohio that when an existing pump station requires an upgrade to accommodate the additional flows associated with a local public sewer improvement, the costs for said upgrade should be incorporated into the local sewer public improvement's actual costs, consistent with Sections 1805 (H)-(I). The distribution of those costs among the specially benefited properties shall also follow the provisions of Section 1805 (I), above.

J. **Definitions.**

- 1.) **Absolute Majority:** Voting basis for petitions, whether at the signature stage or polling stage, that requires more than half of *all* the benefited properties within the assessment district (including those not voting) to vote in support of the petition in order for the petition to be considered valid. In practical terms, abstention from voting is equivalent to a *no* vote
- 2.) **Assessment or Special Assessment:** The amount of actual cost assessed against a property benefited by a local public sewer improvement.
- 3.) **Assessment District:** The area consisting of properties benefited from a local public sewer improvement as determined by MSD.
- 4.) **Benefited Property:** A property within the MSD service area that abuts or is adjacent to a local public sewer improvement and will receive sewer service from said public improvement, whether directly connected to the local sewer at the time of the improvement's completion or not.
- 5.) **Buildable Parcel:** A benefited property within the MSD service area that does not have a structure on it at the time the Board of County Commissioners adopt tentative assessments for a local sewer assessment project, but can be developed under existing zoning regulations.
- 6.) **Land Conservation Easement:** An easement recorded to a buildable parcel that governs that parcel's development and use.
- 7.) **Local Public Sewer Improvement or Local Sewer Assessment Project:** A public sewer improvement designed and constructed to serve a specified number of benefited properties in an assessment district within the MSD service area. Costs are borne, in part, by the benefited properties.
- 8.) **MSD Service Area:** Hamilton County Sewer District No. 1.
- 9.) **Household Sewage Treatment System:** The household wastewater disposal system used to serve a property not connected to the MSD service area public sewers.
- 10.) **Net Assessment Amount:** The net assessment amount is the total project cost of the local sewer project divided by the number of benefited parcels within the local sewer project, less the amount of all assessment credits applicable to the particular parcel.
- 11.) **Petition:** A form, containing the names, addresses, parcel identifications, signatures, and per parcel vote of benefited properties of a local sewer assessment project.
- 12.) **Public Sewer Improvement:** A sewer constructed, operated, and maintained by the Board of County Commissioners of Hamilton County Ohio within the service area of the Metropolitan Sewer District of Greater Cincinnati (Sewer District No. 1) under the provisions of Chapter 6117 of the Revised Code of Ohio.
- 13.) **Tentative Assessment:** The estimated amount of cost anticipated to be assessed against a property benefited by a local public sewer improvement.
- 14.) **Vacant Parcel:** A benefited property within the MSD service area that does not have a structure on it at the time the Board of County Commissioners adopt tentative assessments for a local sewer assessment project.

ARTICLE XXV

FEES, CHARGES, PENALTIES, CREDITS

Section 2502 Annual adjustment of assessment credit

The following credit will be adjusted for inflation annually on January 1, beginning with January 1, 2005. The adjustment will be calculated based on the September Engineering News Record Construction Cost Index (ENR CCI) for Cincinnati, Ohio. The assessment credit shall be multiplied by the ratio of the current year September ENR CCI to the ENR CCI for September, 2000 (5907.06), rounded to the nearest \$100.

Section	Service	1/1/2014 charge*	Subject to Annual Adjustment
1216	Single Family or "Primary" Assessment Credit	\$ 7,200 maximum	Yes
	"Secondary" Assessment Credit	variable; based upon single family or primary assessment credit, HSTS reimbursement credit, and remainder of benefited property cost in excess of \$12,000	No
	HSTS Reimbursement Credit - Absorption	\$5,800**	No
	HSTS Reimbursement Credit - Discharge	\$3,600**	No

*entered into the Commissioners Minutes, December 18, 2013, Vol. 332, Images 13017-13019.

**added as of the date of the adoption of these amendments.